

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 9, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 2, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Campbell seconded approval of the minutes of the Board of Commissioners meeting dated July 2, 2002 subject to a correction on New Business Item 7F to change the fee to 1.2 cents per transaction instead of .012 cents per transaction. Campbell, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Proclamation supporting the United States of America Roller Sports National Indoor Speed and Figure Skating Championships - Lou Marciani, National Roller Skating Association; Sandi Witkowicz, Interim Director of the Convention and Visitors Bureau

Sandi Witkowicz, Interim Director of the Convention and Visitors Bureau, stated approximately 3,500 athletes from across the United States would be attending the championships and approximately 10,000 spectators would attend.

2) **SPECIAL PRESENTATIONS CONTINUED:**

Lou Marciana, National Roller Skating Association, gave a brief summary of activities planned during the 21 day event.

The Clerk read the proclamation into the record.

MOTION: Stevens moved and Campbell seconded approval of a proclamation supporting the United States of America Roller Sports National Indoor Speed and Figure Skating Championships. Heier, Campbell, Stevens and Workman voted aye. Motion carried.

B. A resolution in the matter of proclaiming July 8 through July 19, 2002 as the "Campaign Against Hunger" - Cori Beattie, Administrative Secretary in the County Commissioners Office (R-02-0072)

Kerry Eagan, Chief Administrative Officer, appeared and stated Cori Beattie, Administrative Secretary for the County Board, is the coordinator for the campaign and does an excellent job every year.

The Clerk read the resolution into the record.

MOTION: Campbell moved and Heier seconded approval of a resolution in the matter of proclaiming July 8 through July 19, 2002 as the "Campaign Against Hunger". Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Norm Agena, County Assessor, appeared and introduced Scott Gaines who is the new Chief Administrative Deputy in his office. He explained that Gaines' responsibilities would be the consolidation of the Assessor's Office and Register of Deeds and the personal property division.

Gaines stated he worked for the State in the Property Assessment and Taxation Department for 13 years. Prior to that he worked in the Assessor's Office.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS FOR REVIEW:**

- A. **Payment Voucher 755-0013317, dated June 17, 2002, payable to the Nebraska Safety Council, in the amount of \$40. This payment is for a "Defensive Driving Course" taken by Kathleen Allison to obtain a CDL license (see Personnel Policy Bulletin 2002-2, Fees). (This was held over from the July 2, 2002 agenda.)**

David Johnson, Deputy County Attorney, appeared and explained that no written policy was found for any County facility which transports residents requiring that a defensive driving course be taken. Johnson stated the employee was told by her supervisor that the course must be taken and that the employee then paid \$40 for the course. Recommendation was to approve the claim because the supervisor had indicated the course must be taken.

MOTION: Campbell moved and Stevens seconded approval of Payment Voucher 755-0013317, dated June 17, 2002, payable to the Nebraska Safety Council, in the amount of \$40. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

5) **CLAIMS:** **Approval of all claims processed through Tuesday, July 9, 2002.**

MOTION: Heier moved and Campbell seconded approval of all claims processed through July 9, 2002. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. **An application for a Special Designated License from Ken's Liquor, Inc. to hold a 20 year reunion for the Lincoln Northeast High School Class of 1982 on Saturday, July 27, 2002 from 5 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams, Lincoln, Lancaster County, Nebraska.**

MOTION: Campbell moved and Heier seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to hold a 20 year reunion for the Lincoln Northeast High School Class of 1982 on July 27, 2002 from 5 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams. Heier, Workman, Campbell and Stevens voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

B. An agreement with Nebraska Legal Services for the provision of legal services in Juvenile Court for abuse or neglect cases, law violations and status offenses, beginning July 1, 2002 and ending June 30, 2003. The County will pay \$256,000 for the services. (C-02-0297)

MOTION: Campbell moved and Stevens seconded approval of an agreement with Nebraska Legal Services for the provision of legal services in Juvenile Court for abuse or neglect cases, law violations and status offenses, beginning July 1, 2002 and ending June 30, 2003. Campbell, Stevens, Workman and Heier voted aye. Motion carried.

RETURNING TO NEW BUSINESS ITEM 6A:

Johnson stated that the Sheriff's Office and the County Engineering Department recommended that the Board's approval be subject to no parking on West Adams Street during the time of the Special Designated License. He recommended that the stipulation be included in the motion.

MOTION: Campbell moved and Stevens seconded that New Business 6A be reconsidered so that the condition be included. Stevens, Heier, Workman and Campbell voted aye. Motion carried.

MOTION: Campbell moved and Stevens seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to hold a 20 year reunion for the Lincoln Northeast High School Class of 1982 on July 27, 2002 from 5 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams, subject to the conditions as outlined by the Sheriff's Office and the County Engineering Department. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

C. An interlocal agreement with Educational Service Unit (ESU) 18 for educational services to youth detained at the Juvenile Detention Center, beginning August 19, 2002 and ending July 31, 2003. The County shall reimburse ESU 18 up to \$803,000 for services provided. (C-02-0300)

This item was held at the request of the County Attorney's Office.

6) **NEW BUSINESS CONTINUED:**

- D. An interlocal agreement with Educational Service Unit (ESU) 18 for educational services to youth detained at the Juvenile Detention Center, beginning June 5, 2002 and ending July 22, 2002. The County shall reimburse ESU 18 up to \$57,395 for services provided.
(C-02-0301)**

This item was held at the request of the County Attorney's Office.

- E. A contract with Mary L. Paine, Ph.D. for mental health services at the Community Mental Health Center, beginning July 1, 2002 and ending June 30, 2003. Ms. Paine shall provide no more than 40 hours per week and the County will pay \$65 per hour for services provided.
(C-02-0302)**

Johnson explained that the contract provides support for Dr. Leggiadro when he isn't available or is on vacation.

MOTION: Campbell moved and Heier seconded approval of a contract with Mary L. Paine, Ph.D. for mental health services at the Community Mental Health Center, beginning July 1, 2002 and ending June 30, 2003. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

- F. An agreement with Lisa Young to provide the services of a nurse practitioner with psychiatric specialization at the Community Mental Health Center, beginning July 1, 2002 and ending June 30, 2003. The services will be for up to 12 hours per week at a rate of \$50 per hour.
(C-02-0303)**

Johnson referred to page two, subsection ten and explained that sixty days is in writing and in parentheses it refers to the number 30. He requested that the number 30 be changed to the number 60 by interlineation. Johnson also requested that the Chair and the contractor initial the change.

MOTION: Campbell moved and Heier seconded approval of an agreement with Lisa Young to provide the services of a nurse practitioner with psychiatric specialization at the Community Mental Health Center, subject to a change on page two, subsection ten, as outlined by the Deputy County Attorney, and also subject to the Chair and the contractor initialing the change. Workman, Heier, Campbell and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

G. A contract with Lincoln Psychological Services, P.C. for mental health services through Daniel Leggiadro at the Community Mental Health Center, beginning July 1, 2002 and ending June 30, 2003. The County will pay \$65 per hour for no more than 45 hours per week. (C-02-0304)

MOTION: Heier moved and Stevens seconded approval of a contract with Lincoln Psychological Services, P.C. for mental health services through Daniel Leggiadro at the Community Mental Health Center beginning July 1, 2002 and ending June 30, 2003.

Stevens noted a clerical error in the third sentence of subsection one on page one of the contract.

Johnson requested that the "s" be stricken by interlineation so the correct gender is reflected.

Both the maker of the motion and the seconder agreed to the correction.

ROLL CALL: Campbell, Heier, Stevens and Workman voted aye. Motion carried.

H. A grant contract with Community Health Endowment of Lincoln to provide, through the Community Mental Health Center, case management services to at least 300 frail older adults, age 55 years or older, who have complex mental health problems. The County will receive \$134,227. The term of the agreement is July 1, 2002 to June 30, 2003. (C-02-0305)

In response to a question asked by Stevens, Dean Settle, Community Mental Health Center Director, referred to New Business Item 6I and explained that it is approximately \$8,000 to \$9,000 in carryover monies from the second year of the grant. He stated they were allowed to roll the money into the third year's operation by the Community Health Endowment of Lincoln.

MOTION: Campbell moved and Stevens seconded approval of a grant contract with Community Health Endowment of Lincoln to provide, through the Community Mental Health Center, case management services to at least 300 frail older adults, age 55 years or older, who have complex mental health problems. Campbell, Stevens, Heier and Workman voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- I. **An addendum to a grant contract with the Community Health Endowment of Lincoln to provide case management services to at least 300 frail older adults, 55 years or older, who have complex mental health problems. The amendment extends the term of the original contract, dated June 27, 2001, to December 31, 2002 so that the County may meet the requirements of the grant. (C-02-0306)**

MOTION: Heier moved and Stevens seconded approval of an addendum to a grant contract with the Community Health Endowment of Lincoln to provide case management services to at least 300 frail older adults, 55 years or older, who have complex mental health problems. The amendment extends the term of the original contract, dated June 27, 2001, to December 31, 2002 so that the County may meet the requirements of the grant. Campbell, Heier, Workman and Stevens voted aye. Motion carried.

- J. **A resolution in the matter of a request to vacate a portion of a County road, which is the north stub of Bob White Trail located within Elsner Lakeside Estates in Lancaster County, Nebraska. (R-02-0073)**

Johnson explained a hearing was held on June 25th relating to the vacation. He stated that at the time of the hearing he had indicated that certified letters were sent to all abutting landowners, however, he now stands corrected and said he was not sure that the certified letters were sent.

Heier asked if it was necessary, before the Board takes action, that individuals received the letters.

Johnson stated that the statutes and the County's requirements indicate that the abutting landowners would have received certified copies of the notice of the hearing.

MOTION: Heier moved and Campbell seconded approval of a resolution denying the request to vacate a portion of a County road, which is the north stub of Bob White Trail located within Elsner Lakeside Estates in Lancaster County, Nebraska.

Johnson stated individuals can always apply for the vacation of a road. He said he had received a telephone call regarding someone not receiving notice and explained that the individual was one of the petitioners, however, they were not an abutting landowner. Johnson stated he had received no additional calls from the individual indicating they wanted to pursue the matter further.

6) **NEW BUSINESS CONTINUED:**

Campbell stated she concurred with Commissioner Heier's motion because they had determined during the public hearing that the vacation would landlock an abutting lot. She added it has been the practice of the Board not to execute any vacation which would landlock or make an opportunity for someone not to use their property or their land.

ROLL CALL: Heier, Campbell, Stevens and Workman voted aye. Motion carried.

K. A resolution in the matter of an application for Corporate Manager for Dana Evans Lippold, submitted by Corporate Golf Marketing Inc. d/b/a Hi Mark Golf Club, located at 9003 Pioneers Boulevard, in connection with their Class M (Bottle Club) liquor license. (R-02-0074)

MOTION: Campbell moved and Heier seconded approval of Resolution 02-0074 regarding an application for Corporate Manager for Dana Evans Lippold, submitted by Corporate Golf Marketing Inc. d/b/a Hi Mark Golf Club, located at 9003 Pioneers Boulevard, in connection with their Class M liquor license. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

L. A request for refund of personal property taxes for 2001 from American Express Business Finance, on behalf of First Sierra Financial, in the approximate amount of \$528.24.

MOTION: Campbell moved and Stevens seconded approval of a request for refund of personal property taxes for 2001 from American Express Business Finance, on behalf of First Sierra Financial, in the approximate amount of \$528.24. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

M. A request for refund of personal property taxes from Labenz & Associates LLC, on behalf of Rudge Memorial Homes, Inc., for 1999, in the approximate amount of \$204.94; for 2000, in the approximate amount of \$378.75 and for 2001, in the approximate amount of \$124.91.

Stevens noted that the approximate amount of \$124.91 for 2001 should be a credit.

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Campbell seconded approval of a request for refund of personal property taxes from Labenz & Associates LLC, on behalf of Rudge Memorial Homes, Inc., for 1999, in the approximate amount of \$204.94; for 2000, in the approximate amount of \$378.75 and a credit for 2001, in the approximate of \$124.91. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

N. A request for refund of personal property taxes for 2001 from The Wright Style Salon, in the approximate amount of \$83.03.

MOTION: Campbell moved and Stevens seconded approval of a request for refund of personal property taxes for 2001 from The Wright Style Salon, in the approximate amount of \$83.03. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

O. Nebraska Office of Highway Safety renewal grant with the Lancaster County Sheriff's Office for the "SPARE" (Sheriff's Program for Accident Reduction and Education) program. This is year two of a three year grant. The local match will be \$14,353. (C-02-0299)

Bill Jarrett, Chief Deputy Sheriff, appeared and gave a brief summary regarding the grant, noting that one full-time deputy is designated for traffic control.

MOTION: Campbell moved and Stevens seconded approval of a Nebraska Office of Highway Safety renewal grant with the Sheriff's Office for the "SPARE" (Sheriff's Program for Accident Reduction and Education) program. Heier, Workman, Campbell and Stevens voted aye. Motion carried.

P. A contract with Mary L. Paine, Ph.D. for mental health services at the Community Mental Health Center, beginning July 1, 2002 and ending June 30, 2003. Ms. Paine shall provide no more than 5 hours per week and the County will pay \$55 per hour for services provided. (C-02-0307)

MOTION: Heier moved and Campbell seconded approval of a contract with Mary L. Paine, Ph.D. for mental health services at the Community Mental Health Center, beginning July 1, 2002 and ending June 30, 2003. Campbell, Stevens, Workman and Heier voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Clerk's Monthly Report for June, 2002.
2. Accountability and Disclosure Opinion for Bernie Heier.
3. Resolution 02-0071 approving the Lancaster County Local Emergency Operations Plan.

B. Request from Michelle Dick, an employee in the County Assessor's Office, to voluntarily participate in the Lancaster County Retirement Plan.

C. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Paul J. and Debra Eisenbarth, in the amount of \$2,018, at 54th Street and Wittstruck Road. (C-02-0298)

MOTION: Campbell moved and Stevens seconded approval of the Consent Items. Heier, Workman, Stevens and Campbell voted aye. Motion carried.

8) **OTHER BUSINESS:**

Commissioner Workman explained that a second grant contract for the Sheriff's Office did not get placed on the agenda and indicated that the second grant would be placed on the Board's staff meeting agenda for Thursday, July 11, 2002.

9) **ADJOURNMENT:**

MOTION: Heier moved and Campbell seconded adjournment of the Board of Commissioners meeting at 2:24 p.m. Workman, Heier, Campbell and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 9, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:24 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 2, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Campbell moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated July 2, 2002. Campbell, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Campbell seconded approval of the additions and deductions. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**American Legion, Department of Nebraska
Capital Humane Society (2 exemptions)
Developmental Services of Nebraska, Inc.
Gospel Outreach Ministries**

MOTION: Heier moved and Stevens seconded approval of motor vehicle tax exemptions for American Legion, Department of Nebraska; Capital Humane Society (2 exemptions) and Developmental Services of Nebraska, Inc. and approval of a motor vehicle tax exemption for Gospel Outreach Ministries subject to the vehicle being titled and registered to the applicant. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

D & R Development

Norm Agena, County Assessor, recommended a value of \$81,143.

MOTION: Campbell moved and Heier seconded approval of the Assessor's recommendation to set the value at \$81,143 for D & R Development. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **REMOVAL OF A TAX EXEMPTION FOR 2002 ON REAL PROPERTY:**

New Life Baptist Church

MOTION: Heier moved and Campbell seconded approval of the removal of a tax exemption for 2002 on real property for New Life Baptist Church. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

7) **APPROVAL OF A 2002 451 TAX EXEMPTION ON PERSONAL PROPERTY WITH A LATE FILING PENALTY:**

Southeast Nebraska Mobile Diagnostic Services, Inc.

Agena recommended approval of the exemption with a five month late filing penalty which would be ten percent of the amount of tax due or \$100 per month whichever is less.

MOTION: Campbell moved and Heier seconded approval of a 2002 451 tax exemption on personal property with a late filing penalty for Southeast Nebraska Mobile Diagnostic Services, Inc. Heier, Workman, Campbell and Stevens voted aye. Motion carried.

8) **TAXABLE STATUS PROTEST FILED ON REAL PROPERTY FOR 2002:**

City of Hickman

Agena explained that the building on the property is being rehabilitated for public use. The garage is currently being leased. Recommendation was that the garage be taxed and to grant the exemption for the remaining property.

MOTION: Campbell moved and Heier seconded to accept the Assessor's recommendation to deny the exempt status on the garage and to grant the exempt status for the building. Campbell, Stevens, Workman and Heier voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Stevens moved and Campbell seconded adjournment of the Board of Equalization meeting at 2:30 p.m. Heier, Workman, Stevens and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk